

Petition Approval Timeline for a New Charter School

Pursuant to IDAPA 08.02.04
State Board of Education Rule

This document provides an overview of the process and timeline for approval of a new charter school petition. For answers to specific questions or for more detail, refer to Idaho Code 33-5205 and IDAPA 08.02.04 Sub Sections 204 through 206.

The petition is submitted to Idaho State Department of Education for Sufficiency Review. IDAPA 08.02.04.200.03

30 days for review and written findings

Petitioners may update the petition based on Sufficiency Review findings and submit to local school district's board of trustees, the authorized chartering entity (ACE).

Timeline dependent upon petitioners

September 1 to open following fall

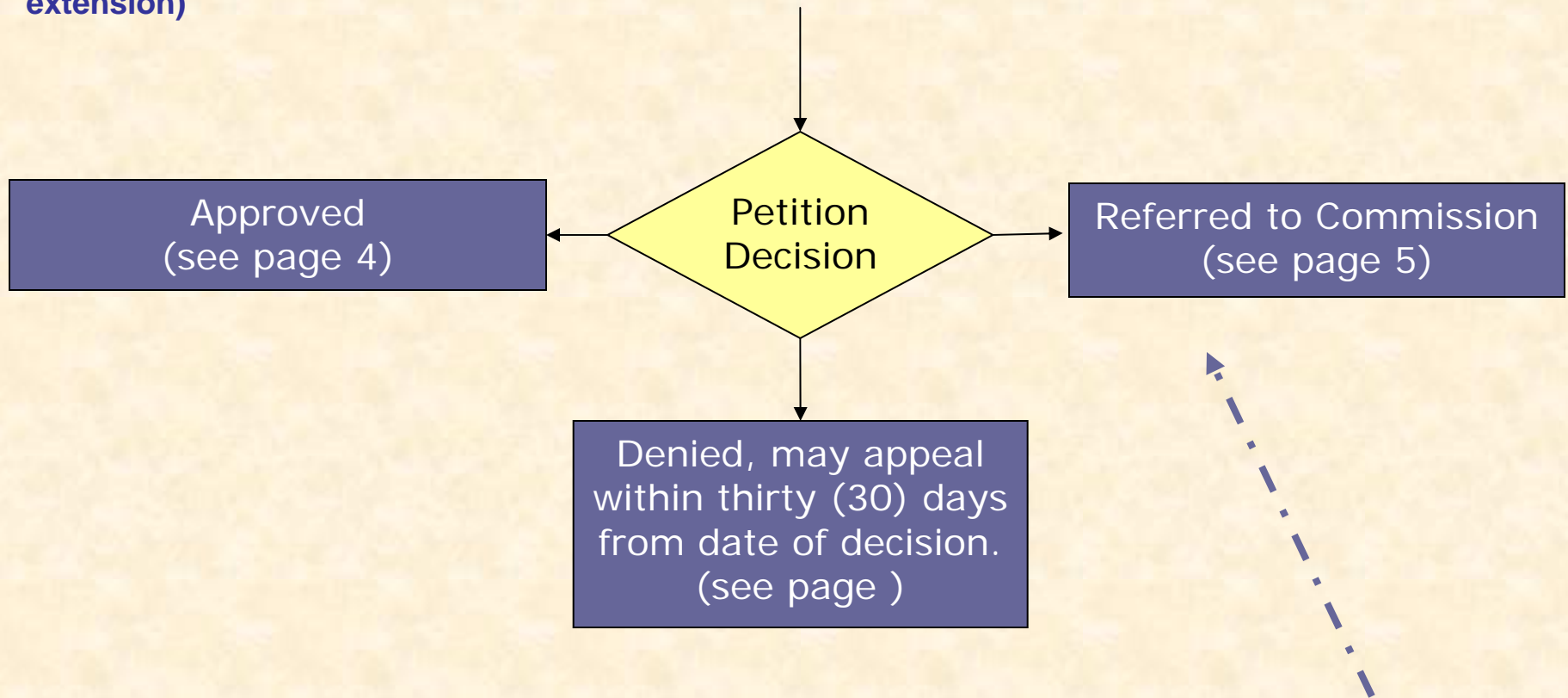
The petition is considered "received" by the ACE as of the next scheduled meeting following submission of the petition. Idaho Code 33-5205(1)(b)

60 days after petition received by ACE

READ IDAPA 08.02.04 204-206

The ACE holds a public hearing for the purpose of 1) discussing the provisions of the charter, 2) considering the merits of the petition and the level of employee and parental support for the petition.

60 days after public hearing (this may be extended an additional 60 days if the petition fails to contain all of the elements required in Idaho Code or the ACE and petitioners mutually agree to the extension)



NOTE: If, within 60 days of the initial submission, the parties have not reached mutual agreement on provisions of the charter after a reasonable good faith effort, the petitioners may withdraw petition from the local school district and submit to the Commission. Idaho Code 33-5205 (1) (c)

Charter Approved by ACE

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graph TD; A[Charter Approved by ACE] --> B[The ACE approves and Board chair signs petition to be submitted to the State Board of Education.]; B --> C[State Board of Education (SBOE) assigns a number based on chronological order in which petition is received in accordance with Idaho Code 33-5203.]; C --> D([If petition is one of the first six (6) to be approved statewide and first in school district for that year, the charter school becomes official to open the following school year.]);
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Petition Referred to the Commission

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graph TD; A[Petition Referred to the Commission] --> B[Petitioners are notified promptly of this referral. The board of trustees promptly forwards the petition to the Commission.]; B --> C[Petitioners may update the petition and then resubmit to Commission.]; C --> D[Timeline dependent upon petitioners]; D --> E[The Commission (ACE) reviews petition to establish a new charter school and a copy of the Sufficiency Review.]; E --> F[30 days after petition submission]; F --> G[The ACE holds a public hearing for the purpose of 1) discussing the provisions of the charter, 2) considering the merits of the petition and the level of employee and parental support for the petition.]; G --> H[ ];
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Timeline dependent upon petitioners

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30 days after petition submission

The ACE holds a public hearing for the purpose of 1) discussing the provisions of the charter, 2) considering the merits of the petition and the level of employee and parental support for the petition.

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The ACE has 60 days after receipt of petition to make a decision; may be extended an additional 60 days if the ACE requests changes be made to petition or if the ACE and petitioners mutually agree to extend the deadline for further review.



Approved
(see page 4)

Petition
Decision

Denied, must appeal
within 30 days from
date of decision.
(see page 7)

Petition Denied by ACE

**Must appeal within thirty (30) days
from date of decision**

Appeal to State Superintendent of Public Instruction who shall select a Hearing Officer to review the action of the ACE.

30 days after appeal submission

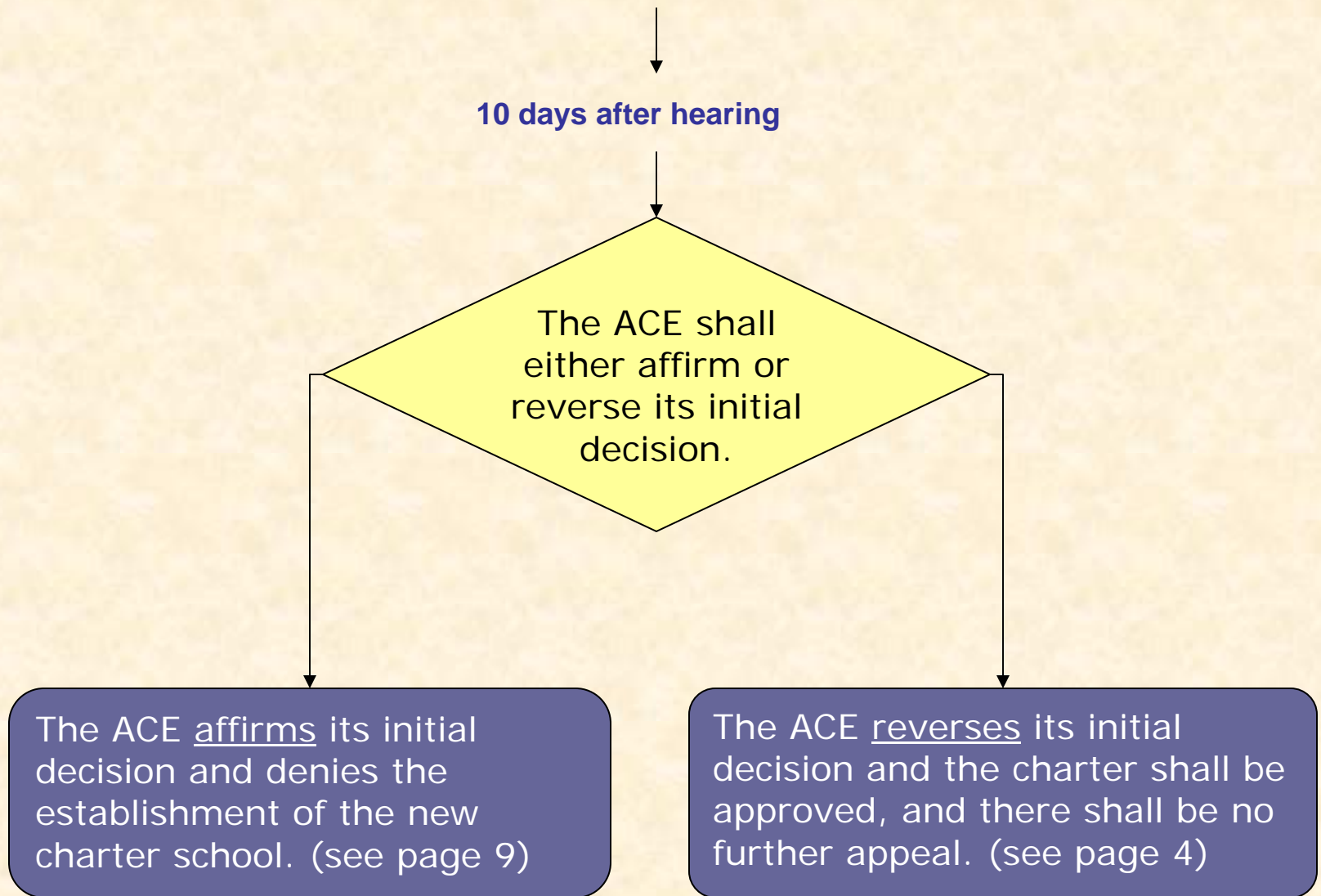
Hearing Officer shall conduct a public hearing to review the decision.

10 days after hearing

Hearing Officer shall issue a recommendation to the Department, the ACE, and the appellants.

**30 days from receipt of
recommendation**

The ACE shall hold a public hearing to review recommendations.



ACE Affirms Decision to Deny Petition

21 days after decision

Board of directors of the nonprofit corporation identified in the petition may appeal to the State Board of Education (SBOE).

**No later than 60 days from
receipt of appeal**

A public hearing shall be conducted by an appointed charter appeal committee, a public hearing officer, or the SBOE. Purpose of the meeting is to review the final decision of the ACE.

The SBOE shall consider the material from the public hearing at its next regular meeting and either approve the petition, remand it back to the ACE, redirect it to another ACE, or deny it.

If the SBOE **approves** the petition, the charter will operate under the jurisdiction of the Charter School Commission and will continue through the process as approved. (see page 4)

If SBOE **remands** or **redirects** the petition, the process begins again without the requirement of a new sufficiency review.

If SBOE **denies** the petition, there are no further appeals.

Timeline Considerations

The charter approval process can vary from **120 days to 210 days** from the time the sufficiency review is submitted.

A petition must be received by the initial ACE no later than **September 1** to be eligible to begin instruction the first complete school year following the receipt of the petition. IC 33-5203(2)(f)

To begin operations, a newly chartered public school must be authorized by no later than **January 1** of the previous school year. IC 33-5203(2)(g)

Not more than **6 new public charter schools** may open in any one year and not more than 1 may open in any 1 school district in 1 year. IC 33-5203 (2)(b)